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EXAMINER

LE, KHANH H

ART UNIT	PAPER NUMBER
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3688

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/522,069	Applicant(s) WALD ET AL.	
	Examiner KHANH H. LE	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/15/2010 and 04/22/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 73-84, 92, 96, 97, 99-101, 107, 108 and 110 is/are pending in the application.
- 4a) Of the above claim(s) 72, 95 and 106 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 73-84, 92, 96, 97, 99-101, 107, 108 and 110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/13/2010; 06/25/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is responsive to the correspondence filed 01/15/2010 and 04/22/2010. In the Office Action of 2 April 2009, claims 1-23, 72-84, 92, 95-97, 99-101, 106, 107, 108, and 110 were pending and examined.

Restriction requirement

2. In the Office Action of 03/31/2010, a further restriction was made to claims **72, 95, 106 as directed to a distribution terminal and method of distributing AIM's therefrom, which is different in scope and effect from the rest of the claims.** In response to the restriction requirement, the applicant elected claims **1-23, 73-84, 92, 96-97, 99-101, 107, 108, and 110 (it appears Applicant made a typographical error in listing the claims of Group I at page 2 line 9 and at the last 2 lines of page 2).** Applicants traversed on the grounds that the requirement for restriction contained no indication that there would be a significant burden on the examiner in examining the 2 Groups. The Examiner notes that there is no requirement of asserting significant burden on the examiner under PCT rules. **Thus the traversal is unpersuasive and the restriction requirement is hereby made final. (However, in order to advance prosecution, it is noted that Ota's distribution terminal also discloses claims 72, 95, 106).**

Thus claims **72, 95, 106** are withdrawn and claims **1-23, 73-84, 92, 96-97, 99-101, 107, 108, and 110** are pending and examined.

Claim Rejections - 35 USC § 112

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 78-84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 78-84: mix statutory classes (apparatus and method) thus claim scope is unclear. E.g. claim 78: a CDU is directed to apparatus, then “is delivered” is directed to a method. Correction is needed.

Applicants arguments are unpersuasive. See MPEP 2173.05(p)(II) ("A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. *IPXL Holdings v. Amazon.com, Inc.*, 430 F.2d 1377, 1384, 77 USPQ2d 1140, 1145 (Fed. Cir. 2005);< *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) *>(< claim directed to an automatic transmission workstand and the method * of using it * held ** ambiguous and properly rejected under 35 U.S.C. 112, second paragraph>).

5. Claim interpretation:

Claims 107 -108:

Applicant appears invokes 35 USC §112-6th paragraph by (1) utilizing the phrase “means for”, (2) modified by functional language, (3) without an indication of sufficient structure, materials, or acts, in the claim, to achieve those functions. In this vein, Claims **106 - 108** would ordinarily be construed to cover the corresponding structure, material or acts disclosed in the specification and equivalents thereof.

Since claims 107 -108 parallel claims 73, 77, it is interpreted the associated structures are the same as those recited in claims 73, 77 i.e. AIM receiver, AIM storage unit, AIM dispenser, AIM sender, content item selector.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1-23, 73-84, 92, 96-97, 99-101, 107, 108, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al., US 2002/0035545, Antonucci US 2003/0236704, the admitted art, Official Notice #1 as to push technology (with e.g. Mulligan US 7254614 as support) and Official Notice #2 as to automatic display (with e.g. Derrenberger US 20030231854 as support) .**

Claims 1-23, 73-84, 92, 96-97, 99-101, 107, 108, and 110:

Ota discloses selling points (i.e. AIMs) to wireless mobile devices; sending points to a central server to accumulate per user accounts; users can log on the internet to download digital content when redeeming points with central server; (abstract); transfer of points via secure links; points encryption and decryption [0021], [0051]; [0082]; claim 12; description key, [0049].

Thus Ota discloses:

An advertising control method comprising: receiving a point (i.e. an advertisement identification message (AIM)) at a first mobile device; selecting at least one content item from among a plurality of content items based, at least in part, on at least one stored AIM, the stored AIM being stored in the network server ; and displaying the selected content item.

Ota does not disclose sending the AIM from the first mobile device to a content display unit (CDU) and storing the AIM in the CDU.

However, Antonucci discloses multiple merchant stored value user device or card where the points can be stored locally on a user device (which can be a smart card, a PDA,

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to a laptop or other portable processor of information) ([0020], lines 10-19; note that Antonucci refers at these citations to the “incentive engine 102” which is described further in Figures 1 and 2 and their associated text. Note that Figure 2 describes the incentive engine 102 as containing memory including enrollment and authentication module, processor, conversion rules, the consumer points , item 272, and categories of points, items 274, 276). **The object is to make remote access not necessary ([0020], lines 19-20) to replace the incentive engine being alternatively located centrally ([0020], lines 8-10).**

Antonucci also discloses alternatively any combination of remote accessibility or local access is contemplated ([0020], lines 24-25).). Any combination of databases is contemplated at single or multiple locations ([0032]). In addition to other teachings of Ota and the admitted art as discussed further below, these teachings would make locating some of Antonucci’s incentive engine 102 functions (e.g. points conversion rules, processor for comparison of points categories and point totals to allow selection of redeemable benefits) at a CDU (e.g. a home set top box) obvious.

Also at **Antonucci ‘s** [0032], all communications means are contemplated including secured wireless means; all electronic points of interaction are contemplated such as PDA’s cell phones, kiosks ([0032]) encryption and decryption of data is contemplated ([0032]); transfer of consumer codes or access authorization codes is via all electronic points of interaction contemplated such as PDA’s cell phones, kiosks ([0020], [0027], [0032]). User device can download from and transmit its data to any other device [0057] including audio rf, optical based devices etc... ; user device can generated points [0039]. In addition to other teachings of Ota and the admitted art as discussed further below, these **Antonucci’s** teachings would make transfer of the claimed AIM (points) from Antonucci’s consumer portable device to the claimed CDU obvious.

Further, Antonucci’s consumer devices to interact with the loyalty system, including for redeeming the (loyalty) points, include all devices such as kiosks (which read on the claimed CDU), PDA’s , cell phones, and the like ([0038]) . In addition to other teachings of Ota and the

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admitted art as discussed further below, these **Antonucci's** teachings would make redeeming of the claimed AIM (points) (analogous to Antonucci's points) at the CDU, obvious.

Antonucci also discloses consumer and family accounts [0057]; in Antonucci, each merchant type of points reads on a category of points as claimed in the instant application. (Antonucci teaches rewards points earned by categories of product bought [0022]; merchant specific loyalty points [0023]. Points totals and per merchant are accumulated in consumer accounts. This implies sorting points per category. Points are redeemable per participating merchant ([0023]). Points may include product categories [0025]).

It would have been obvious to one having ordinary skill in the art at the time of the invention (herein a "PHOSITA") to replace Ota's accessing the central server to redeem the points with accessing the points from a local storage, **to make remote access not necessary (per Antonucci's teaching, [0020])**. In that case, the points obviously would have to be stored locally at a local device, as taught by Antonucci ([0020]; [0032]). **Thus it would further have been obvious to modify Ota and make the Ota user transfer the points to a local device for storage rather than storing them at the server.** Note that in fact, as discussed above, Antonucci also discloses either storing at the server or locally in any combination of processor and databases, including a kiosk (reading on the claimed CDU) and a handheld device.

Further it is admitted ubiquitous computing (i.e. everyday appliances endowed with computing power to deal with information-based tasks) **is well-known** (Specifications, herein, "Sp.", [0005]).

The following technologies for data transfer are also admitted as well-known: Bluetooth, wifi (Sp.,[0006]); **detection of devices, such as polling, by wireless protocols (Sp., [0183])**; wireless protocol dictates how proximate the devices can be (Sp., [0214]); digital id's (Sp., [0004]).

(Also admitted as known are ad payloads being video audio interactive other data etc.. (Sp.,[0254])).

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Since Ota teaches redeeming the points for digital content, **since** Antonucci discloses any user device can communicate loyalty points to any other ([0057]), **and since ubiquitous computing is admittedly well-known, it would have been obvious to a PHOSITA to use one of the everyday appliances e.g. a home television, to display the redeemed digital content for the user's convenience and add such modification to Ota and Antonucci.**

For example watching content on a television would be nicer than on a personal computer as taught by Ota (abstract) (or a cell phone which could be one of the (loyalty) points redeeming devices, per Antonucci at [0038]). **Such home television set, or alternatively or in addition, a set top box, or a PVR , for example, is a display device which can display selective content based on the AIM and which would store the AIM thereon to avoid accessing the server for redemption as taught by Antonucci ([0020], lines 19-20).**

Further, **since Antonucci teaches many types of points redeemable for different benefits, it would have been obvious,** in the system of Ota and Antonucci and the admitted art ,to have different content for different types of points. Matching or comparing the content category to be selected with the AIM points categories ("comparison" in 2nd step of claim 85) would have been obvious, in the system of Ota and Antonucci and the admitted art, in view of the teachings of Antonucci, **to allow displaying content relevant to the AIM's categories.**

Ota in view of Antonucci and the admitted art, as discussed above, does not disclose push technology. However Official Notice is taken that push technology to mobile devices e.g. cell phones is well -known before invention time. See e.g. Mulligan US 7254614 which discloses Web services push gateway and a plurality of mobile push technologies (e.g. Abstract).

Thus if a decision is made to distribute points by push technology from a terminal, for any reason, e.g. to distribute free advertising points, it would have been obvious to a PHOSITA

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to use the technology at hand and so distribute such points. Advertisers would be motivated to distribute such points to promote themselves to whoever is willing to watch their ads.

As to a CDU that selects ads without user intervention:

Ota teaches a user controlling the selection of contents, the selector (e.g. a set of instructions in hardware or software or any combination in-between) inherently being at the network server in order to carry out the selection commands of the Ota user; in the combination of references as discussed, a skilled artisan would have known to place such selector at the CDU. In view of the level of skill shown in Ota, Antonucci and the admitted art, this modification would have been entirely feasible.

Ota in view of Antonucci and the admitted art, as discussed above, however, does not disclose a CDU that select without user intervention. However Official Notice is taken that programming display devices so that automatic action takes place instead of users' actions is old and well -known before invention time.

See e.g. Derrenberger US 20030231854 which teaches showing ads on a home recording device. At [0049] Derrenberger discloses “.. The advertisements may be **selected by the user or automatically selected by the PVR** on the basis of usage patterns that indicate which types of advertisements or products and services might be appealing to the user. Tag information may be added to the advertisements to allow the PVR to distinguish each of the advertisements. Thereafter, each display and observance of the advertisements may be tracked and accumulated by the PVR, and the accumulated information may be later *transmitted to a server located at the service provider's facilities.*”

Recall that Ota teaches redemption of points for content and the combination of prior art as above discussed teaches display of content at a CDU based on redemption of points. Further both Ota and Antonucci teach profiling the user (e.g. Antonucci at [0027]). Thus it would have been obvious to add automatic selection of content by the CDU based on the profile of the user

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as well-known and evidenced by Derrenberger excerpt above. One would be motivated to add such automatic feature to the combination of Ota et. al., to relieve users of the effort of making decisions yet be able to deliver meaningful targeted content.

Further, Antonucci discloses redemption of points is possible only upon authentication of the consumer as the owner of the points. See. e.g.[0066]. The consumer has to enroll (register) beforehand in order to get the consumer ID, thus allowing processing of the redemption function. See e.g. [0057]; [0065]. Fig 3 item 310.

Recall that the CDU is where all the databases and functionalities for the redemption function are located in the combination as discussed above. **Thus a PHOSITA would have been motivated to add a registration requirement at the CDU to the system of Ota, Antonucci and admitted art, to allow redemption of benefits (as taught by Antonucci) at the CDU.**

**Thus as to claims 1-4, 10, 73-84, 92, 96-97, 107, 108, and 110,
Ota in view of Antonucci and the admitted art as discussed above, disclose:**

Representative claim 1 (currently amended):

**An advertising control method comprising:
receiving an advertisement identification message (AIM), passively distributed by an AIM distribution terminal to any AIM receiving device in proximity to the distribution terminal,
at a first mobile device, the AIM being associated with a category;**

transferring sending the AIM from the first mobile device to a content display unit (CDU) receiver and storing the AIM in the CDU;

(Ota in combination with Antonucci in view of admitted art , Official Notices as discussed above, Aim received at OTA's mobile device, transferred to and received by a CDU,

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by admitted ubiquitous computing and admittedly known transfer technologies as discussed above, the CDU being a part of a device such as a set top box or television as discussed above with an inherent receiver);

selecting, by the CDU, independent of a user action or input, at least one content item from among a plurality of content items based, at least in part, on at least one stored AIM, the at least one content item being associated with the category of the at least one stored AIM (combination as discussed above, in view of Antonucci's teaching of storing per point category, e.g. Figure; 2 item 270, 274-276, a Phosita would have known to structure the storage at the CDU as claimed) **and**

displaying the selected content item on the CDU (combination as discussed above).

Note as to claims 73, 96, and 107 (directed to a mobile device, method and means thereof), Ota's mobile device reads on these claims because the mobile device does not know whether the data is passively distributed or not, the receiver just receives AIMs as data. Note also that for claim 76, the claimed AIM external sources are outside the scope of the mobile device thus have little if any patentable weight.

Claim 10 (dependent on claim 1):

The combination of prior art as discussed above effectively discloses "the selecting is performed without regard to at least one AIM associated with a second mobile device, the second mobile device not being registered on the CDU")

Applicant argues: "Since claim 10 recites "the second mobile device not being registered on the CDU", the method of claim 10 implicitly indicates that some non-second mobile device is registered on the CDU. Since Ota does not recognize the existence of registration of devices on the CDU, it is tortuous to argue that Ota acknowledges the existence of non-*registered devices*."

The Examiner disagrees with the above implication. The claim does not recite "some non-second mobile device is registered on the CDU". Further it is not claimed that the system

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recognizes whether or not the second mobile device is registered. Nor is such limitation implicit or required by the language of claim 10. It is clear that if a user is not registered with the Ota or Antonucci system, no redemption takes place. Contrary to argument, the existence of a unit which displays the content (i.e. the CDU itself) is disclosed by the combination of prior art as discussed above in particular the admitted art as to ubiquitous computing. Further the combination of prior art as discussed above does disclose as obvious, registration at the CDU to allow redemption of points for content at the CDU. Thus any unregistered device would just effectively be ignored by the combination of prior art as discussed above, including the claimed second mobile device which is not registered with the system (on the CDU). And this is whether there is an AIM on the second device or not. Thus the combination of prior art as discussed above effectively discloses “selecting is performed without regard” to such unregistered device and any AIM (points) it may contain. In other words, if a user device, in the combination as discussed above, contains points (AIMs) but the user has not registered herself or her device with the system, the system would not recognize the ID and would not allow redemption (e.g., Antonucci,[0066], line 10). In the system of Ota, Antonucci, admitted art and Official Notices , this rejection of the unregistered ID reads on the claimed step of the CDU ignoring the AIM of an unregistered user. (Recall that the CDU is where all the databases and functionalities for the redemption function are located in the combination as discussed above. As stated above, a PHOSITA would have been motivated to add this registration requirement to the system of Ota, Antonucci and admitted art, to allow redemption of benefits at the CDU) . Thus in the system of Ota, Antonucci, admitted art and Official Notices , the content selecting, as to other users that are registered, would just take place without regard to that unregistered user’s device or points.

8. Claims 5-7, 8-9, 11-15, 16-23, 99-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota , Antonucci, the admitted art, Official Notice #1 (with e.g. Mulligan as support), Official Notice #2 (with e.g. Derrenberger as support) and further Official Notices.

Claims 5-7 (dependent on claim 1):

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Ota in view of Antonucci and the admitted art does not disclose but Official Notice (#3) is taken that it is old and well-known at the time of the invention to delete entitlements such as points, coupons once redeemed, to prevent abuse by reuse (see e.g. Aggarwal US 7,013,286, col. 4 lines 40-67, which also discloses the store may check authenticity of the coupon by **verifying the digital signature**).). Similarly marking them as used is old and well-known for the same purpose. Thus it would have been obvious to a PHOSITA to add to Ota et al., above, after the displaying, marking the at least one AIM stored on the CDU as used or deleting the at least one stored AIM from the CDU; or deleting the at least one AIM from the first mobile device.

Claims 8, 11-12 (dependent on claim 1):

Official Notices are taken that the following facts are well-known at the time of the instant invention:

Official Notice #4:

Transfer back and forth of digital data from wireless user devices (e.g. cell phones) to display computing devices is known. Data transfer to non registered devices such as passer-bys is known. (See e.g. “Portable Power by Eric Brown”, submitted by IDS, which discloses, near field communications (NFC), i.e. cell phone as contactless smart card. Used for purchases, to put digital images onto TV, billboards etc., interactive TV. Eric Brown also discloses data transfer back and forth from billboards to passerby (unregistered) cell phones. Brown also discloses encryption chips for authenticating online purchases or interactive sessions; use of NFC with STB (page 3).

See also WO 02/46994 disclosing list of ads pushed by STB's (Fig 2) (and display panel) to proximal mobile devices (Fig 3), which respond by requesting further information from the STB (and display panel) which sends back the further information. Information can be printed out or displayed on display panel or on mobile or sent to more mobile devices. The devices can also be fixed devices.)

Official Notice #5:

Registering or deregistering of cell phones, PDA's and the likes is well known at the time of the invention (see e.g. Ciotti: US 6421731 (col. 14 lines 40-50))

Mobile devices such as telephones, pagers, personal digital assistants (PDAs), data terminals, etc. are designed to be carried throughout the system from cell to cell. **Each mobile device is capable of communicating with the system backbone via wireless communications between the mobile device and an access point to which the mobile device is registered. As the mobile device roams from one cell to another, the mobile device will typically deregister with the access point of the previous cell and register with the access point associated with the new cell.**

Thus as to claims 8, 11-12, it would have been obvious to a PHOSITA to add to Ota et al above:

registering the first mobile device on the CDU to allow service to the mobile device; sending at least one AIM from the first mobile device registered on the CDU when the mobile device is in the proximity of the CDU since as discussed above ubiquitous computing is to be used for the convenience of the user; and securely sending the AIM from mobile device to the CDU since Ota teaches secure sending of points (citations above).

Claims 13-14:

Official Notice (#6) is taken that it is old and well-known at the time of the invention to query devices and obtain permission before proceeding with a transaction. Thus it would have been obvious to a PHOSITA to add to the combination of Ota, Atonucci and Official Notices as above discussed above, querying a user of the mobile device to authorize sending at least one AIM from the first mobile device to the CDU; and performing the sending only upon receipt of a positive answer to the querying. Since OTA teaches secure sending, the sending performed upon receipt of a positive answer to the querying would obviously include secure sending.

Claim 15: Adding registering the first mobile device on a plurality of CDUs would have been obvious to allow use of the service at different CDUs, e.g. at several TV sets within a home. Applicants argue there is no registration at one CDU. However see discussion above.

Claims 16-18:

The combination of Ota, Atonucci and Official Notices as above discussed does not explicitly disclose the further claim limitations but Official Notice (#5) is taken that public key encryption and authentication schemes are old and well-known at the time of the invention. Thus it would have been obvious to a PHOSITA to add such for secure data transmission.

Claims 19-20:

The combination of Ota, Atonucci and Official Notices as above discussed does not explicitly disclose the further claim limitations of after the receiving, performing a security check on the AIM, including a verifying a digital signature. However Official Notice (#6) is taken that it is old and well-known at the time of the invention that entitlements such as coupons are transmitted using secured means such as digital signature.

See e.g. Aggarwal US 7013286 B1 (col. 4 lines 40-67, which discloses the store may check authenticity of the coupon by verifying the digital signature). Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of OTA and add the authentication taught by Aggarwal since the claimed invention is merely a combination of old and known elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claims 21-23 (dependent on claims 8, 15, 22):

As discussed above unregistering mobile devices is well-known, see Ciotti above. Also secure registering or deregistering is admitted art. See Spec.[0206]. Thus it would have been

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obvious to a PHOSITA to add to Ota et al above, unregistering the mobile device from the one or several CDU(s) that it was registered on as it moves around as is well-known in the art (see e.g. Ciotti). Further, using public key authentication is old (Official Notice #5) thus it would have been obvious to a PHOSITA to add public key authentication to the deregistration to ensure data security during the process.

Claim 9 (dependent on claim 1):

The combination of Ota, Atonucci and Official Notices as above discussed does not disclose the selecting is also based, at least in part, on at least one AIM received at the CDU from a second mobile device, the second mobile device not being registered on the CDU. However Official Notice #3 was taken earlier that transfer of data to passersby, i.e. unregistered devices, from billboards and the likes is well-known. Thus it would have been obvious to a PHOSITA to add allowing an unregistered user to transfer an AIM to the CDU and select content based on such selecting to provide content services to such guests or passersby as in known in the prior art.

Claims 99-100 (dependent on claim 9): It would have been obvious to a PHOSITA to add to Ota et al in view of Official Notice #2 above:

registering the first mobile device on the CDU to allow service to the 1st mobile device; sending at least one AIM from the first mobile device registered on the CDU when the mobile device is in the proximity of the CDU since as discussed above ubiquitous computing is to be used for the convenience of the user; and securely sending the AIM from mobile device to the CDU since Ota teaches secure sending of points (citations above). It would have been obvious to a PHOSITA to add to instant claim 9 such additional features to accommodate both 1st and 2nd mobile devices.

Claim 101 (dependent on claim 21):

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As discussed above unregistering mobile devices is well-known, see Ciotti above. Also secure registering or deregistering is admitted art. See Spec.[0206]. Thus it would have been obvious to a PHOSITA to add to Ota et al above, unregistering the mobile device from the one or several CDU(s) that it was registered on as it moves around as is well-known in the art (see e.g. Ciotti). Further, using public key authentication is old (Official Notice #5) thus it would have been obvious to a PHOSITA to add public key authentication to the deregistration to ensure data security during the process.

Response to Arguments

10. Applicant's arguments have been fully considered but they are not persuasive.

In a nutshell Ota teaches redeemable points transferred to a user device and transferred and stored at a server for redemption. Antonucci also teaches points transferred to user device, but stored on user device, redeemable locally (user not having to access a remote server to redeem) and the points can be transferred to any device (see [0057]). Admittedly known ubiquitous computing teaches ready transferring from a mobile device to a home device such as a television set, i.e. a CDU. The combination thus teaches redemption of points at the CDU by display of content. Both Ota and Antonucci teach registration in order authenticate for redemption of benefits. Thus it would have been obvious to allow user registration at the CDU in order to allow redemption at the CDU. The technology for registration at the CDU of mobile devices is also admitted art. See specification at [0206].

Contrary to the argument that Ota and Antonucci do not combine, the points whether sold in Ota, or earned by purchases in Antonucci is not the issue in the obviousness analysis. The teachings relied upon are, the knowledge in the prior art, of points being transferred from devices to other mobile or fixed devices (Antonucci); of categorization of points for different benefits (Antonucci); of redemption of points for content (Ota); redemption locally at a user

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device e.g. a television, set top box being obvious (combination of Ota, Antonucci and admitted art). Whether points are sold (Ota) or earned (Antonucci) are just business decisions and in no way detracts from the technical feasibility of combining the transfer, the storage, redemption and categorization teachings, in the two references and the admitted art, as used by the Examiner. Thus there is no incompatibility or teaching away in combining Ota to Antonucci, as argued: because the business decisions of selling or giving the points free were not the teachings used in the present obviousness analysis, thus the differences in this respect in Ota and Antonucci are irrelevant.

Other arguments directed to new claim features, and to claims 10 and 15 are addressed above in the rejection discussion.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leung US 7042864 discloses enabling push technologies for mobile IP.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Monday-Wednesday 9:00-6:00. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401

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Dulany Street, Alexandria, VA 22314). Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh H. Le/

Primary Examiner, Art Unit 3688